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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,676	06/25/2003	Patricia C. Tibbenham	202-1573	3749
32994	7590	01/25/2005		
MILLER LAW GROUP, PLLC AND FORD GLOBAL TECHNOLOGIES, INC. 25 STEVENS AVENUE WEST LAWN, PA 19609				
			EXAMINER PAYNE, SHARON E	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/603,676	TIBBENHAM ET AL.	
	Examiner	Art Unit	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 6 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14, drawn to a handle for an automobile, classified in class 362, subclass 84.
  - II. Claims 15-20, drawn to a process for manufacturing a handle, classified in class 264, subclass 21.
2. The inventions are distinct, each from the other because:
3. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product of claim 1 can be made by cutting the image out of the apparatus:
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Larry Miller on 10 January 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

7. Claims 3-8 are objected to because of the following informality: the word "first" in line 3 should be "second" of claim 3.

8. Claims 7-8 are objected to because of the following informality: the word "narrow" is a term of degree that is not defined in the specification or claim 7.

9. Claims 13-14 are objected to because of the following informality: the word "truck" in line 3 should be "trunk" in claim 13.

10. Claims 4-6, 8 and 14 are necessarily included due to their dependency.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lam et al. (U.S. Patent 6,394,511 B1).

13. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Lam et al. discloses an automotive vehicle decklid latch system. The latch system includes a shaft portion formed of a light emitting material (column 4, lines 24-48), a grasp portion formed of the light emitting material (column 4, lines 24-48) and a first open informational image formed within the grasp portion (Fig. 2B) such that no material is present within the first open informational image (column 4, lines 45-47). (The image is in black, which means that no light emitting material is present within the image itself, and the image is on the face of the handle, which means it is open.)

Concerning claim 2, Lam et al. discloses the shaft portion and the grasp portion forming a T-shaped configuration (Fig. 7, reference number 26).

Regarding claim 3, Lam et al. discloses a second open informational image that formed in the shaft portion (Fig. 2B) such that no material is present within the first (second) open informational image (column 4, lines 45-47).

Concerning claim 4, Lam et al. discloses the first open informational image forming an image of a vehicle with an open trunk with a caricature of a person jumping

out of the open trunk (Fig. 2B), the handle being an emergency trunk release handle (Fig. 1).

Regarding claim 9, Lam et al. discloses open informational images formed in the handle (Fig. 2B) such that no phosphorescent material is present within the open informational images (column 4, lines 45-47).

Concerning claim 10, Lam et al. discloses the first said open informational image being formed in the grasp portion (Fig. 2B).

Regarding claim 11, Lam et al. discloses a second said open informational image being formed in the shaft portion (Fig. 2B).

Concerning claim 12, Lam et al. discloses the shaft portion and the grasp portion being connected to form a T-shape configuration (Fig. 2B).

Regarding claim 13, Lam et al. discloses the handle as an emergency trunk release handle operatively connected to a trunk lid latch mechanism locking the trunk lid to an automobile chassis (Figs. 1 and 2A), the first open informational image forming an image of a vehicle with an open trunk (Fig. 2B) with a caricature of a person jumping out of the open trunk (Fig. 2B), the second informational image forming an arrow pointing toward the grasp portion (Fig. 2B).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-4, 9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrazzo et al. (U.S. Patent 6,349,984) in view of Roessler (U.S. Patent 6,369,395).

Regarding claim 1, Marrazzo et al. discloses a shaft portion (Fig. 4, right portion of lever, reference number 42) formed of a light emitting material (column 4, lines 18-20), a grasp portion (Fig. 4, left end of lever, reference number 42) formed of the light emitting material (column 4, lines 18-20) and being connected to the shaft portion to permit a manipulative gripping of the handle (Fig. 4) and a first open informational image within the grasp portion (Fig. 4). Marrazzo et al. does not disclose the informational image being devoid of light emitting material.

Roessler discloses an image such that no light emitting material is present within the image (column 4, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the area devoid of light emitting material to form an image that contrasts with the light emitting material to make the image more visible.

Concerning claim 2, Marrazzo et al. does not disclose the shaft portion and the grasp portion forming a T-shaped configuration.

Making the shaft portion and the grasp portion form a T-shaped configuration is considered to be an obvious variation. Since the shaft and grasp portion are well known in the art, it would have been obvious to one of ordinary skill in the art to make them form a T-shaped configuration, since changes in shape are considered to involve only routine skill in the art. See M.P.E.P. 2144.04.

Regarding claim 3, Marrazzo discloses a second open informational image formed in the shaft portion (the arrow, Fig. 4). Marrazzo et al. does not disclose the second informational image being devoid of light emitting material.

Roessler discloses an image such that no light emitting material is present within the image (column 4, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the area devoid of light emitting material to form an image that contrasts with the light emitting material to make the second image more visible.

Concerning claim 4, Marrazzo et al. discloses the handle as an emergency trunk release handle (Figs. 3 and 4). Marrazzo et al. does not disclose the first open informational image forming an image of a vehicle with an open trunk with a caricature of a person jumping out of the open trunk.

Making the informational image the caricature described in the claim is considered to be an obvious variation. Since an informational image is well known in the art, it would have been obvious to one of ordinary skill in the art to make the informational image as described in the claim because aesthetic design changes only involve routine skill in the art. See M.P.E.P. 2144.04.

Regarding claim 9, Marrazzo et al. discloses open informational images formed in the handle (Fig. 4). Marrazzo et al. does not specifically disclose images such that no phosphorescent material is present within the images.

Roessler discloses images such that no phosphorescent material is present within the images (column 4, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bare images of Roessler in the apparatus of Marrazzo et



al. to make the image contrast with the background in a way that is more readable and more noticeable in the dark.

Concerning claim 12, Marrazzo et al. does not disclose the shaft portion and the grasp portion connected to form a T-shape configuration.

Making the shaft portion and the grasp portion form a T-shaped configuration is considered to be an obvious variation. Since the shaft and grasp portions are well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make them form a "T" shape, since changes in shape are considered to involve only routine skill in the art. See M.P.E.P. 2144.04.

Regarding claim 13, Marrazzo et al. discloses the handle as an emergency trunk release handle operatively connected to a trunk lid latch mechanism locking the trunk lid to an automobile chassis (Fig. 1). Marrazzo et al. does not disclose the first open informational image forming an image of a vehicle with an open trunk with a caricature of a person jumping out of the open trunk, the second informational image forming an arrow pointing toward the grasp portion.

Making the informational images as described in the claim constitute an obvious variation. Since the informational images are well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the informational images as described in the claim, since making the images any certain way constitutes aesthetic design changes that involve only routine skill in the art. See M.P.E.P. 2144.04.

16. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrazzo et al. in view of Roessler as applied to claim 3 and further in view of Gordon (U.S. Patent 2,459,693).

Regarding claim 5, Marrazzo et al. does not disclose phosphorescent plastic. Gordon discloses the light emitting material as phosphorescent plastic (column 3, lines 28-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the phosphorescent plastic of Gordon for the photoluminescent plastic of Marrazzo et al. in the apparatus of Marrazzo et al. and Roessler depending on the desired luminous effects.

Concerning claim 7, Marrazzo et al. does not disclose the shaft portion being formed with an enlarged head portion and a narrow neck portion with the second open informational image being located in the head portion.

Making the shaft portion the shape and configuration described in the claim is considered to be an obvious variation. Since the head and neck portion of the shaft portion are well known in the art, it would have been obvious for someone of ordinary skill in the art at the time the invention was made to make the head and neck portion of the shaft the shape and configuration described in the claim because changes in shape and aesthetic design changes involve only routine skill in the art. See M.P.E.P. 2144.04.

Regarding claim 8, Marrazzo et al. discloses the second open informational image as an arrow (Fig. 4). Marrazzo et al. does not disclose the arrow pointing toward the grasp portion.

Making the arrow point in the direction of the grasp portion is considered to be an obvious variation. Since the arrow image is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the arrow point in any direction because aesthetic design changes involve only routine skill in the art. See M.P.E.P. 2144.04.

17. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roessler.

Regarding claim 9, Roessler discloses open informational images formed in the handle (Fig. 1) and images such that no phosphorescent material is present within the open informational images (column 4, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the informational images devoid of phosphorescent material to improve the contrast between the image and the background of the handle.

Concerning claim 10, Roessler discloses the open informational image being formed in the grasp portion (Fig. 1).

Regarding claim 11, Roessler discloses the open informational image being formed in the shaft portion (Fig. 1).

#### ***Allowable Subject Matter***

18. Claims 6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a shaft portion having a deformable clip member as recited in claims 6 and 14.

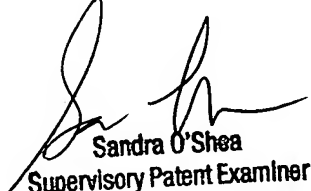
### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep

  
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